

REMARKS

In the Decision of Appeal mailed September 27, 2004, the Board of Patent Appeals and Interferences (BPAI) made the following new grounds of rejection using its authority under 37 C.F.R. §41.50(b). As such, claims 1-20 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The BPAI believes that the claim(s) contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicants, however, strongly disagree.

The BPAI notes on page 12 of its Decision of Appeal that all of the independent claims have been amended to include the limitation of "a plurality of encoding methods corresponding to the plurality of sources." This limitation requires a relationship (correspondence) between a source and an encoding method. The Applicants direct the Examiner to the following pages in the specification for support of the added limitation to the claims:

Page 9: lines 13-23 starting with "The digital audio signal contains data...";
Page 9: lines 25-28 starting with "One of ordinary skill in the art...";
Page 9: line 32-Page 10: line 3 starting with "Depending on the source and format of the digital audio signal...";
Page 10: line 31 – Page 11: line 3 starting with "Such encoding methods include, ...";
Page 12: lines 2-9 starting with "For example, the video input interface...";
Page 12: lines 10-14 starting with "One of ordinary skill in the art...";
Page 12: Lines 18-21 starting with "Depending on the source and format..."; and
Page 13: line 17-21 starting with "Such encoding methods include...".

No amendment made was for the purpose of narrowing the scope of any claim.

The Applicants believe that the subject application is in condition for allowance. Such action is earnestly solicited by the Applicants.

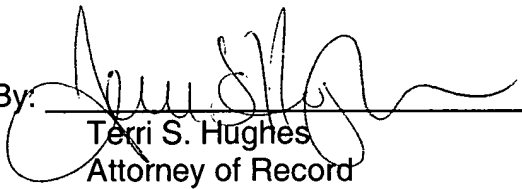
In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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Attachments